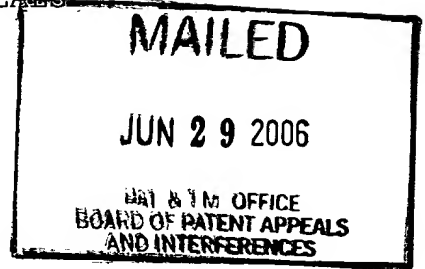


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte INDRA LAKSONO

Application No. 09/819,147



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on June 15, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On September 27, 2005, appellant filed an Appeal Brief. A review of the file reveals that the summary of claimed subject matter does not map the claimed invention to the independent claims as set forth in 37 CFR § 41.37(c)(1)(v) which states:

(v) **Summary of claimed subject matter.** A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the

structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

In addition, the file reveals that the headings "Evidence appendix" and "Related proceedings appendix" are missing from the Appeal Brief. According to 37 CFR § 41.37(c)(1)(ix) and (c)(1)(v) which states:

(ix) **Evidence appendix.** An appendix containing copies of any evidence submitted pursuant to §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered in the record by the examiner. Reference to unentered evidence is not permitted in the brief. See § 41.33 for treatment of evidence submitted after appeal. This appendix may also include copies of the evidence relied upon by the examiner as to grounds of rejection to be reviewed on appeal.

(x) **Related proceedings appendix.** An appendix containing copies of decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of this section.

Appropriate correction is required.

Lastly, The Examiner's Answer mailed January 11, 2006 is defective, for it does not provide a list of references used in the rejection on appeal under the Heading "(8) Evidence Relied Upon", on page 3 of the Examiner's Answer. See the Manual of Patent Examining Procedure (MPEP) § 1207.02, page 1200-29 states:

(8) **Evidence Relied Upon.** A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

The examiner must submit a corrected examiner's answer that will include in the Evidence Relied Upon section, the list of all references used in the rejections on appeal.

Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief of December 20, 2004 defective;
- 2) request applicant to file a substitute Appeal Brief in compliance with 37 CFR § 41.37;
- 3) for the examiner to consider the substitute Appeal Brief,
- 4) vacate the Examiner's Answer mailed January 11, 2006, and issue a revised Examiner's Answer having the missing reference listed under the Evidence Relied Upon section, paragraph (8);

- 5) have a complete copy of the substitute Appeal Brief and any subsequent Examiner's Answer scanned into the record; and
- 6) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

DALE M. SHAW

Deputy Chief Appeal Administrator
(571) 272-9797

DMS/dal

LARSON, NEWMAN, ABEL, POLANSKY &
WHITE, LLP
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN, TX 78730